

P GEORGOPOULOS ARCHITECT PC

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Date: 6-29-11

Mr. Paul Stamatelatos
3619 Broadway
NY 11106-1011

Re: Plaza Diner
1066 2nd Avenue
New York, NY

Experience

I have been an architect for 40 years with a specialty in designing restaurants or retail stores. I am a registered Architect in the state of New York.

Second Avenue Diner Corp. trading as Plaza Diner

I visited the restaurant the subject of this litigation at 1066 Second Avenue. The approximate seating area for the restaurant is 400 square feet. There are three distinct seating areas. First, at the counter. Second, two rows of booths along the 56th Street. Third, a row of booths along Second Avenue.

There is a certificate of occupancy on file from 1970. The premises was last renovated in 1990. This is not a public assembly space, but simply a store. This report is based on the "readily achievable" analysis, as the last renovations relating to the restaurant predated the effective date of Title III of the ADA of July 1992. .

Accessibility Issues

I. Entrance

The entrance to the restaurant is on 2nd Avenue and has an existing "step" with an elevation of approximately 8 inches. The Step is an existing condition created during initial construction of the building. The foundation was raised above street level. The wall supports bearing columns for the building.

Due to the proximity of the existing subway tunnel, the floor elevation and structural members cannot be revised. The tunnel existed prior to the renovation of the store and is now part of the new subway tunnel for the 2nd avenue Subway line. There will be a future

entrance at 55th Street. My office made calls to the building department to see if a permit could be made for a permanent ramp. The Department of Transportation officials said no permits are being given in that area for permanent structures. Moreover, the 2nd Avenue sidewalk in that area is narrow. Telephone booths and permitted street vendors are in front of the entrance. Exhibit A. Making a permanent structure will impeding the flow of pedestrian traffic and could conflict with access issues of other persons with disabilities, including the blind and those requiring walking canes. Also, a permanent ramp at the corner of the building will not be permitted.

To facilitate access to the restaurant, the operators maintain a portable ramp and an assistance button. See Exhibits B. The use of a portable ramp satisfies the readily achievable standard.

From there, the ramp allows access to the vestibule and entrance to the restaurant. The entrance doors exceed 32 inches and can accommodate wheelchairs. The vestibule is 5 x 5 and can be maneuvered for entrance and exit. Both doors will held open by the employees to assist the person with disabilities.

2. Fixed Tables

There is at least one fixed table in the inside seating area with clear floor space of 30 x 48. That table is within the counter bar area. This satisfies the requirements of 12 CFR Part 36, Sections 5.1 and 5.2.

3. Signage.

ADA Accessible signage is provided. See Exhibit C.

4. Restrooms

The Subject Premises contains two bathrooms, one for each sex as required by Local Law 58, Reference Standard 16-4 and consistent with the application requirements for a liquor license which has been obtained at the Restaurant. The bathrooms are configured in an L shape with the Ladies Bathroom abutting the kitchen. The Men's bathroom abutting the seating booth and kitchen area. See Exhibit D.

The Ladies Restroom measures 4.5' x 8'; the Men's Restroom measures 4' x 5.5'. Door entrance for each are 36 inches. Both bathrooms do not comply with the applicable ADA regulations for clear floor space and maneuverability. Grab bars and bathroom accessories must comply with ADA regulations.

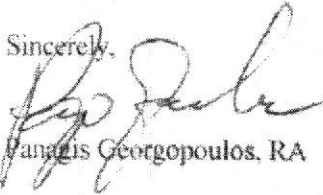
To modify the bathrooms as proposed by the Plaintiff's would not be readily achievable given conflicting NYC Building Code requirements requiring a restroom for each gender. Moreover, the cost of altering the bathrooms would exceed \$13,000. These would include \$5000 in legal fees (in addition to the permit, a variance to the liquor license

would be requested, which would require a hearing), \$3000 in architectural plans. Construction costs of renovations would be \$5000 to rearrange walls, doors and plumbing. Construction would also like require the removal of one full booth abutting the Men's Restroom, resulting in loss of seating space and potential revenue to the restaurant.

To make the store fully compliant with the requirements of the ADA Guidelines, including rearranging the vestibule and doors and rearranging the booths for 36" wide accessible route to the restrooms, would cost an additional \$65,000 (\$10,000 in architectural fees, \$45-50,000 in contracting costs and \$5,000 for any legal permits required).

Any work discussed must be first filed and approved by any applicable city agencies and then constructed. If you have any questions, please feel free to contact us at our office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Panagis Georgopoulos', is written over the typed name.

Panagis Georgopoulos, RA

EXHIBIT A

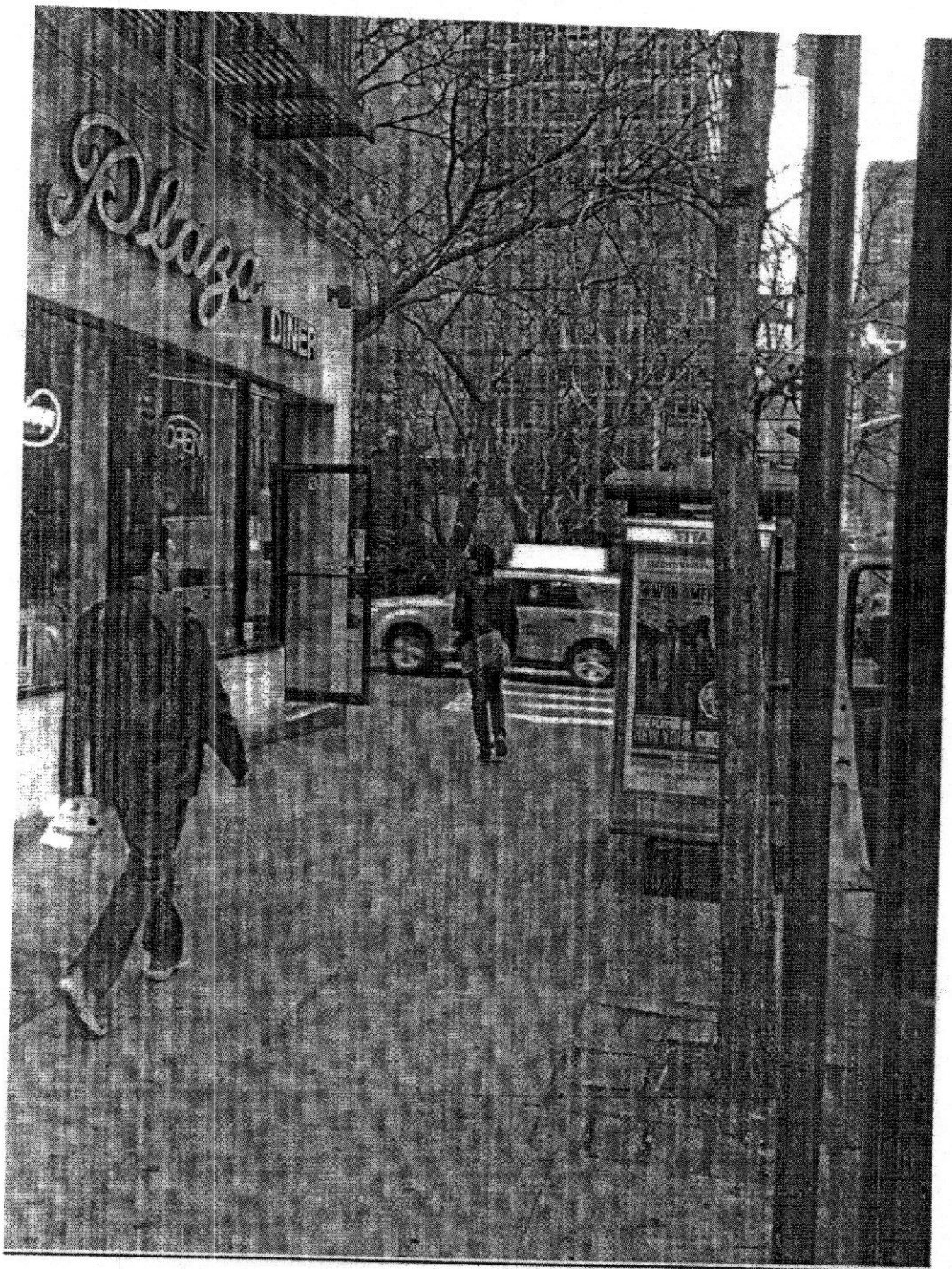


EXHIBIT B

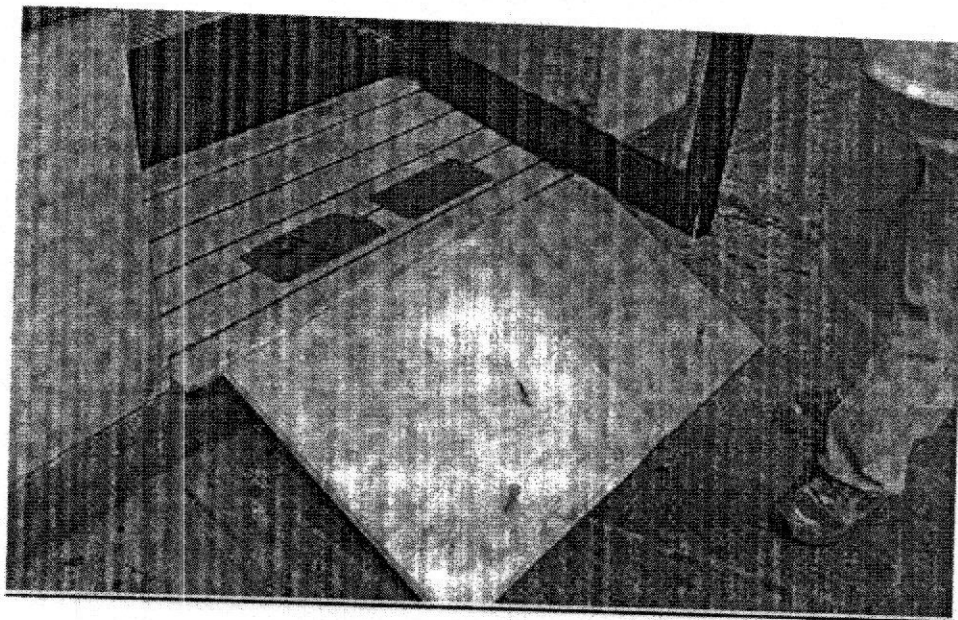


EXHIBIT C

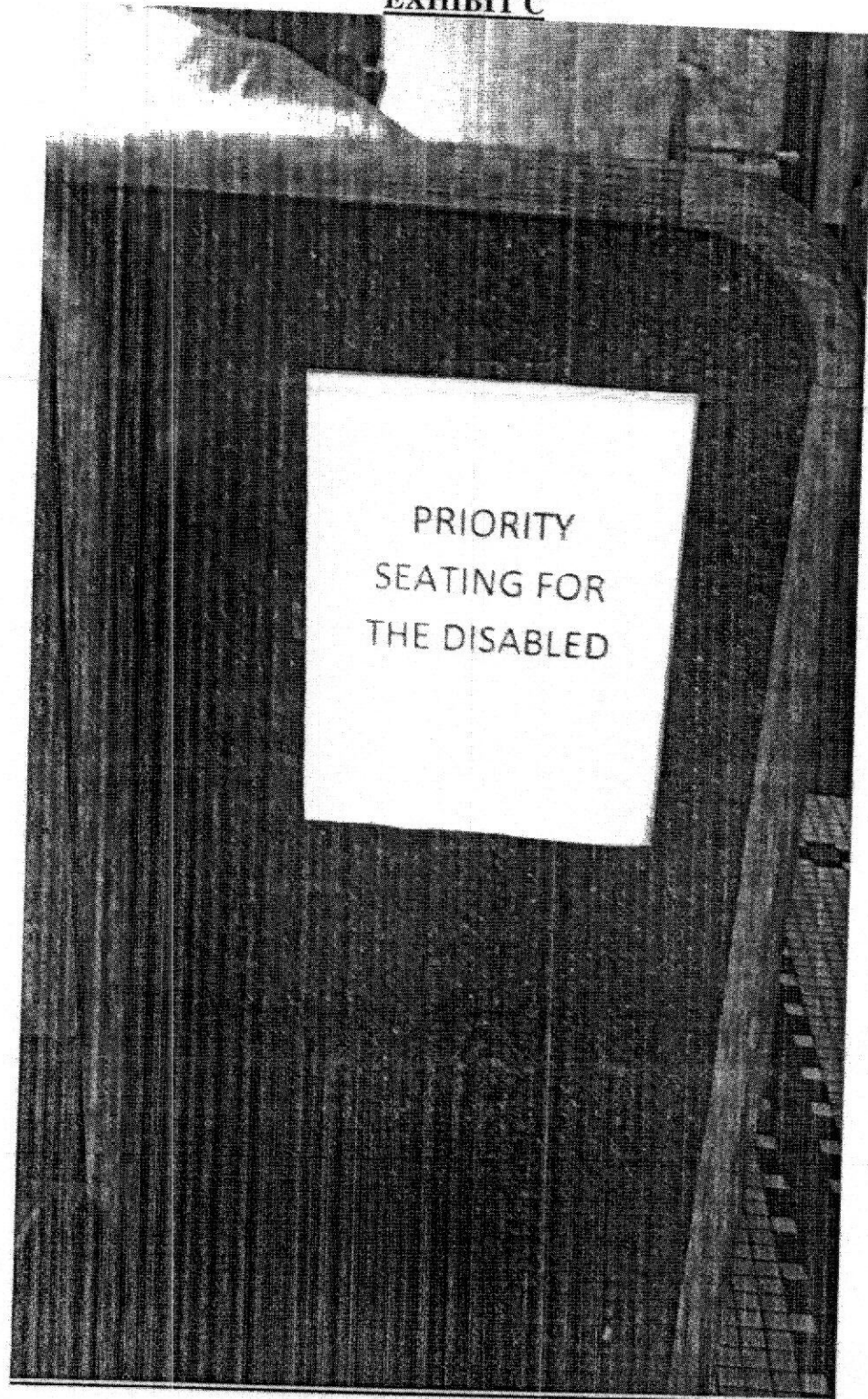




EXHIBIT D

